

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:18-CV-512-FL

JONATHAN ROGERS,

Plaintiff,

v.

KINGS BOWL AMERICA, LLC, HAILEY
DELIMA, Corporate Compliance Team
Trainer, and BILL SHERIDAN, Human
Resource Manager,

Defendants.

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ORDER

This matter comes before the court for review of plaintiffs' pro se complaint pursuant to 28 U.S.C. § 1915(e). United States Magistrate Judge Robert T. Numbers, II, entered memorandum and recommendation ("M&R"), pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), wherein he recommends that district court should dismiss defendants Delima and Sheridan from this action, and further recommends plaintiff's remaining discrimination claims under the ADA for hostile work environment and retaliation against Kings Bowl America be allowed to proceed. Plaintiff did not file any objections to the M&R, and the time to do so has passed.

The court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Because no objections have been filed, the court reviews the magistrate judge's findings and conclusions only for clear error, and need not give any explanation for adopting the M&R. Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983).

Upon careful review of the M&R, the court finds the magistrate judge's analysis to be thorough, and there is no clear error. The court hereby ADOPTS the recommendation of the magistrate judge as its own, and, for the reasons stated therein, defendants Delima and Sheridan are DISMISSED from this action pursuant to 28 U.S.C. § 1915(e). Plaintiff's remaining discrimination claims under the ADA for hostile work environment and retaliation against defendant Kings Bowl America be ALLOWED to proceed. The clerk is DIRECTED to serve plaintiff's complaint by US Marshal in accordance with Rule 4(c)(3).

SO ORDERED, this the 14th day of January, 2019.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style. The first name "Louise" is written with a large, ornate capital "L". The middle initial "W." is written in a smaller, simpler script. The last name "Flanagan" is written in a cursive script with a large capital "F".

LOUISE W. FLANAGAN
United States District Judge